



State of New Jersey
DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
POST OFFICE BOX 340
TRENTON, NEW JERSEY 08625-0340

JAMES E. MCGREEVEY
Governor
Commander-in-Chief

☆
GLENN K. RIETH
Brigadier General
The Adjutant General

DEPARTMENTAL BULLETIN NO. 2

15 June 2004

USE OF CELLULAR / WIRELESS DEVICES IN STATE VEHICLES (FIASD-ISB)

1. This Bulletin applies to all individuals, offices and agencies within the New Jersey Department of Military and Veterans Affairs (DMAVA) regarding the use of cellular telephones and/or wireless devices while operating a State vehicle, to include operating a personal vehicle while on state business.
2. Reference:
 - a. NJ Statute C.39:4-97.3 approved 20 January 2004.
 - b. State of New Jersey Circular Letter 04-06-OIT dated 12 January 2004.
3. Effective 30 June 2004, the use of wireless telephones in a moving motor vehicle on a public road or highway is prohibited except when the telephone is a hands-free wireless telephone. Therefore, the following general policy is in effect for all State of New Jersey employees while driving a State or personal car.
 - a. All persons shall pull off of the road into a safe area before placing cellular phone calls, or reading and/or sending text messages.
 - b. If a phone call must be made or taken while driving, a hands-free headset or speakerphone must be used.
4. As used in this act, "hands-free wireless telephone" means a mobile telephone that has an internal or external feature or function, or is equipped with an attachment or addition, whether permanent or not, by which a user engages in a conversation without the use of either hand. This definition does not preclude the use of either hand to activate, deactivate, or initiate a function of the telephone.
5. The only exceptions to this policy are as follows:
 - a. The operator of a vehicle has a reason to fear for his life or safety or believes a criminal act may be committed against himself/herself or another person.
 - b. The operator is using the phone to report to appropriate authorities a fire, traffic accident, serious road hazard, medical emergency, hazardous materials emergency or to report the operator of another vehicle who is driving reckless, careless or otherwise unsafe manner or who may appear to be under the influence of drugs or alcohol.

c. An individual who is a first responder (i.e. EMS members, Fireman, Police, etc.) when en route to or responding to an emergency situation or declared state of emergency or disaster.

6. Neither the State of New Jersey nor the Department of Military and Veterans Affairs will be responsible for payment of or reimbursement for any fine incurred by an employee who is found in violation of this statute.

7. Individuals who require a hands-free device for communicating via cellular telephone while on the road as a part of their normal/routine job duties should contact the State Telecom Manager, Mrs. Sophie Guzikowski to request issue of a cellular telephone with speaker capability or an attachment that will comply with the hands-free statute requirements. If a hands-free device is required, the appropriate Division Director must submit a written request for the device. Note that FIASD has already issued speakerphones and hands-free headsets to those individuals identified by the telecommunications section as requiring this equipment in the performance of their normal job functions.

8. Questions or inquiries concerning this bulletin should be addressed to the Department State Telecommunications Manager, Mrs. Sophie Guzikowski at (609) 530-6925 or email Sophie.Guzikowski@njdmava.state.nj.us

OFFICIAL:



WAYNE R. HUNT, SR.

LTC, IN, NJARNG

Chief Financial and Information Officer

Director, F/IASD

GLENN K. RIETH

Brigadier General, NJARNG

The Adjutant General

DISTRIBUTION: A, A1, E, F, S: FIASD, ID, HRD, DVHS, DVP, DVS, HSCOE